

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YUSUF FARUQ DIXON,

Plaintiff,

-against-

HON. RACHEL HAHN “THE COURT,” et al.,

Defendants.

1:23-CV-5424 (LTS)

BAR ORDER UNDER  
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 7, 2023, the Court dismissed Plaintiff’s claims under federal law, but granted Plaintiff, who appears *pro se* and proceeds *in forma pauperis* (“IFP”), 60 days’ leave to replead, in an amended complaint, those claims for which the Court had granted him such leave in that order. (ECF 5.) That order also specified that if Plaintiff failed to file an amended complaint, the Court would issue an order: (1) dismissing Plaintiff’s claims under federal law for the reasons discussed in that order; (2) declining to consider, under the Court’s supplemental jurisdiction, Plaintiff’s claims under state law; and (3) directing Plaintiff, in light of his litigation history, to show cause why the Court should not bar him from filing any future civil actions in this court IFP without first obtaining permission from the court to do so. (*Id.*)

By order dated October 16, 2023, the Court granted Plaintiff a 60-day extension of time to file an amended complaint. (ECF 7.) In that order, the Court warned Plaintiff that if he failed to file an amended complaint within the extended time allowed, the Court would dismiss this action and would direct him to show cause why the Court should not bar him from filing any future civil actions in this court IFP without first obtaining permission from the court to do so. (*Id.*)

Because Plaintiff did not file an amended complaint, in an order dated January 23, 2024, the Court dismissed this action; the Court dismissed Plaintiff's claims under federal law for the reasons set forth in the Court's August 7, 2023 order, and declined to consider, under its supplemental jurisdiction, Plaintiff's claims under state law. (ECF 8).

The Court also directed Plaintiff to show cause, by declaration, within 30 days of the date of the Court's January 23, 2024 order, why the Court should not bar him from filing any future civil actions in this court IFP without first obtaining permission from the court to do so. (*Id.*) The Court warned Plaintiff that if he failed to submit a declaration within the time directed, or if his declaration did not set forth good cause why such a filing injunction should not be imposed upon him, the Court would impose such a filing injunction upon him. (*Id.*)

Plaintiff has not filed a declaration in response to the Court's January 23, 2024 order. Accordingly, the Court will bar Plaintiff from filing any future civil actions in this court IFP without first obtaining permission from the court to do so.

### **CONCLUSION**

The Court hereby bars Plaintiff from filing any future civil actions in this court IFP without first obtaining permission from the court to do so. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint commencing a future civil action in this court, as well as a copy of this order, to any motion seeking leave to file a civil action in this court IFP. The motion must be filed with the court's Pro Se Intake Unit. If Plaintiff violates this order and files a civil action in this court IFP without filing a motion for leave to file, the court will dismiss that action for failure to comply with this order.

The Court warns Plaintiff that the continued submission of frivolous documents may result in the imposition of additional sanctions, including monetary penalties. *See id.*

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.

*Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reasons set forth in the Court's August 7, 2023 order and in its January 23, 2024 order. (*See* ECF 5 & 8.)

Dated: March 25, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge